

Inventor: Lin, Biaoyang
Serial No.: 09/821,812
Filed: March 28, 2001

REMARKS

Prior to the present amendment, claims 25, 26 and 72 were pending. Claim 72 has been canceled herein, and new claim 73 has been added. Thus, claims 25, 26 and 73 are presently pending and under examination.

Regarding the Examiner interview

Applicant appreciates the time and helpful comments of Examiner Davis in the telephonic interview held with Applicant's representative on December 1, 2004. In the interview, Applicant's representative and Examiner Davis discussed the Advisory Action dated October 21, 2004, and, in particular, the indication that the claim amendments submitted with Applicant's after final response would not be entered because new claim 72 raised new § 112, first paragraph, issues that would require further consideration. After discussion with Applicant's representative, Examiner Davis agreed that new claim 72 was identical to previously entered claim 38 and, therefore, did not raise new issues. Examiner Davis further indicated that the after final amendments set forth in Applicant's response to final Office Action dated May 24, 2004, would be entered. In addition, Examiner Davis agreed that claim 26, as amended below, and new claim 73 were allowable and that these amendments combined with the cancellation of claim 72 would place the subject application in condition for allowance.

Regarding the claim amendments and new claim

Claim 26 has been amended herein to more clearly indicate that the claimed isolated ARP3 polypeptide fragment consists of a fragment of SEQ ID NO: 5 which includes at least ten contiguous amino acids of SEQ ID NO: 5. Claim 26, directed to an isolated ARP3 polypeptide

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fragment, is supported throughout the specification, for example, at page 23, line 24, to page 24, line 5, which discloses polypeptide fragments which are potential antigenic fragments capable of eliciting an immune response and ARP polypeptide fragments having, for example, amino acids 1 to 8, 2 to 9, or 3 to 10 of SEQ ID NO: 5, and longer fragments such as those having 10, 11, 12, 13, 14, 15, 18, 20, 25, 30, 35, 40, 45 or more contiguous amino acids of SEQ ID NO: 5. ARP3 polypeptide fragments further are supported in the specification, for example, at page 30, lines 1-10, which discloses that a polypeptide fragment of the invention, which contains at least 8 contiguous amino acids of SEQ ID NO: 5, can be a functional antigenic fragment useful for generating an antibody selective for an ARP polypeptide of the invention. As pointed out by Examiner Davis, any of a variety of ARP3 polypeptide fragments, including fragments which are not exposed on the surface of the protein, can be useful for generating antibodies or antisera useful in western blotting.

New claim 73 is directed to an ARP3 fusion protein which contains a heterologous polypeptide fused to an ARP3 polypeptide fragment consisting of a fragment which includes at least ten contiguous amino acids of SEQ ID NO: 5. New claim 73 is supported throughout the specification as filed, for example, at page 30, lines 10-25, which discloses fusion proteins containing an ARP polypeptide fragment of the invention fused to a heterologous protein such as glutathione S transferase (GST), polyHis, bovine serum albumin (BSA) or keyhole limpet hemocyanin (KLH). Such a fusion protein can be useful, for example, for increasing the immunogenicity of a non-immunogenic or weakly immunogenic ARP3 polypeptide fragment or to facilitate purification of the fragment.

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As set forth above, the claim amendments and new claim are supported in the application as filed and do not add new matter. Thus, the Examiner is respectfully requested to enter the amendments.

A petition for a two-month extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

In view of the above remarks, Applicant submits that the claims are in condition for allowance and respectfully request a notice to that effect. Applicant invites Examiner Davis to call the undersigned agent or Cathryn Campbell if there are any questions relating to the subject application.

Respectfully submitted,

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